

IN SENATE OF THE UNITED STATES.

FEBRUARY 24, 1845.

Submitted, and ordered to be printed.

Mr. DIX made the following

REPORT :

[To accompany bill H. R. 558.]

*The Committee on Pensions, to whom was referred the bill from the House of Representatives, for the benefit of Joseph Craigmiles, of the State of Tennessee, report :*

The applicant for relief was draughted to serve six months. On the 9th of December, of that year, the corps with which he was serving encamped at Washington, Rhea county, Tennessee. He states in his petition, which is verified by his own affidavit, that, "while passing from one of the baggage wagons to his tent, within the limits of the encampment, and whilst in the line of his duty, he by accident fell over the stump of a bush, which had been cut so as to leave a sharp point pointing upwards ; that the sharp point of said stump came in contact with his left groin." He also states, in substance, that the injury occasioned a rupture, that he was discharged in consequence, and is now disabled so that he cannot obtain a subsistence by manual labor.

Andrew Stone swears he was a messmate of Graigmiles, and that the latter, "by accident, fell over the stump of a bush," &c., "while in the line of his duty," &c. ; and that a rupture was occasioned thereby.

Two physicians, Drs. McCorkle and Compton, swear that Craigmiles dates the first appearance of his rupture "from over exertion when a private in the Tennessee militia."

The testimony of Craigmiles, as given by himself in his affidavit, and his testimony to the physicians, as shown in their affidavit, are directly contradictory.

Besides, it does not appear, by any recital of circumstances, that the accident by which his rupture was caused was actually in the line of his duty. A mere declaration does not suffice. Facts should be stated, so as to enable those who are to provide for the relief solicited to judge of their sufficiency. The construction given to the act of 29th January, 1813, in respect to invalids, is, that the injuries must not be produced "by accidents to which they would have been equally liable in their ordinary occupations," &c. Craigmiles, according to his own affidavit, though it is contradicted by his testimony before his physicians, says he fell, on his return from a baggage wagon to his tent, upon the pointed end of a bush which had been cut off. Admitting this to be so, is it clearly such an act

cident as to enable the committee to say affirmatively that he was disabled "in the line of his duty?" To be in the line of one's duty implies something more than to be in actual service. If a man were in camp, and were to go on a fishing excursion, or in pursuit of any object of amusement, and were to break his leg and become disabled, he would not come within the provisions of the law. To bring himself within them, the injury should be received in the actual performance of a military duty, and this fact should be shown by a statement of circumstances.

The committee, being of opinion that the facts produced are insufficient, recommend that the bill be indefinitely postponed.